



# Senate

General Assembly

**File No. 440**

*January Session, 2007*

Substitute Senate Bill No. 686

*Senate, April 11, 2007*

The Committee on Public Health reported through SEN. HANDLEY of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING ACCESS TO HEALTH AND NUTRITIONAL INFORMATION IN RESTAURANTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2007*) (a) As used in this section  
2 and section 2 of this act:

3 (1) "Restaurant" means any place where food is prepared and  
4 intended for individual portion service and includes the site at which  
5 individual portions are provided. "Restaurant" includes any such place  
6 regardless of whether consumption is on or off the premises and  
7 regardless of whether there is a charge for the food, but does not  
8 include a kitchen in a private home where food is prepared or served  
9 and not offered for sale, or a bed-and-breakfast operation that prepares  
10 and offers food to the guests if such operation is owner occupied and  
11 has the total building occupant load of not more than sixteen persons  
12 including the owner and occupants, and has no provisions for cooking  
13 or warming food in the guest rooms, and breakfast is the only meal  
14 offered.

15 (2) "Chain restaurant" means a restaurant that is part of a group of  
16 ten or more restaurant locations nationally, doing business under the  
17 same trade name, offering predominantly the same types of meals,  
18 foods or menus, regardless of the type of ownership of the individual  
19 restaurant locations.

20 (3) "Standard printed menu" means a printed menu that is provided  
21 by a restaurant to individual customers.

22 (4) "Authorized agent" means any individual certified by the  
23 Commissioner of Public Health to inspect food service establishments  
24 and enforce the provisions of section 19-13-B42 of the regulations of  
25 Connecticut state agencies under the supervision or authority of the  
26 director of health.

27 (5) "Director of health" means the director of a local health  
28 department or district health department approved by the  
29 Commissioner of Public Health, as specified in sections 19a-200 and  
30 19a-242 of the general statutes, respectively.

31 (b) On or before July 1, 2008, each chain restaurant in this state shall  
32 make available to consumers the total number of calories for each  
33 standard menu item, as that item is usually prepared and offered for  
34 sale by the chain restaurant.

35 (c) Each chain restaurant that uses a standard printed menu:

36 (1) Shall list the total number of calories next to each standard menu  
37 item in a size and typeface similar to other information included on the  
38 standard printed menu about such item.

39 (2) May include on such menu a disclaimer stating that there may be  
40 variations in the total number of calories across servings of standard  
41 menu items, based on special orders or slight variations in overall  
42 serving size or quantity of ingredients.

43 (d) Each chain restaurant that uses only a menu board or similar  
44 sign to list the food or beverage items it offers for sale:

45 (1) Shall list the total number of calories next to the item in a size  
46 and typeface similar to other information included on the menu board  
47 or sign about the item.

48 (2) May include on such board or sign a disclaimer stating that there  
49 may be variations in the total number of calories across servings of  
50 standard menu items, based on special orders or slight variations in  
51 overall serving size or quantity of ingredients.

52 (e) Notwithstanding the provisions of subsections (c) and (d) of this  
53 section:

54 (1) For standard menu items that come in different flavors and  
55 varieties but that are listed as a single menu item, such as soft drinks,  
56 ice cream, pizza and doughnuts, the chain restaurant may list such  
57 calorie totals on standard printed menus, menu boards or similar signs  
58 listing food and beverages offered for sale by the chain restaurant as  
59 follows: (A) The median calorie total for all flavors or varieties if the  
60 calorie totals for all flavors or varieties are within twenty per cent of  
61 the median, or (B) the total calorie range for all the flavors or varieties  
62 of that menu item, listed from the lowest to the highest value.

63 (2) If a chain restaurant provides a salad bar, buffet line, cafeteria  
64 service or similar self-serve arrangement, the chain restaurant shall not  
65 be required to list calorie totals for such items on a standard printed  
66 menu, menu board or similar sign listing food and beverages offered  
67 for sale by the chain restaurant, but may, instead, list such calorie  
68 totals in close proximity to where the items in such arrangement are  
69 offered for sale, in a size and typeface that is prominent and legible to  
70 customers selecting items from such arrangement.

71 (f) This section does not apply to (1) daily specials and other food or  
72 beverage items offered for sale by a chain restaurant for thirty days or  
73 less, or (2) condiments and other food items placed on tables or  
74 counters for general use without charge, such as bread.

75 Sec. 2. (NEW) (*Effective July 1, 2008*) For the purpose of enforcing the

76 provisions of section 1 of this act, each director of health, authorized  
77 agent or registered sanitarian shall, as part of the inspection of a chain  
78 restaurant, evaluate whether standard printed menus, menu boards or  
79 other similar signs listing food and beverages offered for sale by the  
80 chain restaurant contain the calorie totals required under section 1 of  
81 this act. As part of such evaluation, the director of health, an  
82 authorized agent or a registered sanitarian may request that  
83 franchisors or corporate owners of chain restaurants provide  
84 documentation of the accuracy of any listed calorie totals, but the  
85 director of health, authorized agent or registered sanitarian shall not be  
86 responsible for verifying the accuracy of the listed calorie totals.

87 Sec. 3. Section 19a-36a of the general statutes is repealed and the  
88 following is substituted in lieu thereof (*Effective July 1, 2007*):

89 (a) The Commissioner of Public Health shall adopt regulations, in  
90 accordance with the provisions of chapter 54, to assure that food  
91 service establishments employ as food operators persons who have a  
92 knowledge of safe food handling techniques and to set requirements  
93 for the employment of food operators by such establishments. Such  
94 regulations shall include, but not be limited to, responsibilities of food  
95 service establishments and their employees, exemptions for certain  
96 classes of food establishments and responsibilities of local health  
97 departments in monitoring compliance of food establishments.

98 (b) On or before January 1, 2008, the Commissioner of Public Health  
99 shall adopt regulations, in accordance with the provisions of chapter  
100 54, incorporating inspection and enforcement procedures for the  
101 requirements established in section 1 of this act into regularly  
102 scheduled food service establishment inspections. Such regulations  
103 shall establish (1) weighted point values for each such requirement, (2)  
104 a minimum acceptable rating score for such requirements, and (3)  
105 enforcement procedures for chain restaurants that fail to meet the  
106 minimum acceptable rating score for such requirements.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>July 1, 2008</i>	New section
Sec. 3	<i>July 1, 2007</i>	19a-36a

**PH**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Public Health, Dept.	GF - Cost	15,760	None

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 08 \$	FY 09 \$
Various Municipalities	Revenue Gain	None	Potential Minimal

**Explanation**

The Department of Public Health will incur a one-time cost of approximately \$15,760 to modify and reprint forms used by local health authorities when inspecting food service establishments to allow them to document the posting of calorie totals by chain restaurants.

It is anticipated that local health directors will be able to accommodate the bill’s provisions within their routine workload. To the extent that locally established fines are imposed upon any restaurant found to not be in compliance with the bill’s provisions, a potential minimal revenue gain would result.

**The Out Years**

**State Impact:**

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$	FY 12 \$
Public Health, Dept.	GF - Cost	None	None	None

Note: GF=General Fund

**Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 10 \$</b>	<b>FY 11 \$</b>	<b>FY 12 \$</b>
Various Municipalities	Revenue Gain	Potential Minimal	Potential Minimal	Potential Minimal

**OLR Bill Analysis****sSB 686*****AN ACT CONCERNING ACCESS TO HEALTH AND NUTRITIONAL INFORMATION IN RESTAURANTS.*****SUMMARY:**

This bill requires chain restaurants, beginning July 1, 2008, to print the total calories in each of their standard menu items next to the item's listing on a printed menu or sign board. It permits alternative listings for salad bars; buffets; cafeterias; and menu items that come in different varieties like doughnuts, soda, and ice cream. The bill applies to restaurants using the same trade name at 10 or more locations nationally.

The bill requires local health officials, as part of their restaurant inspection process, to evaluate whether chain restaurants are posting calorie information as required. And it requires the Public Health Department (DPH) to adopt regulations for these evaluations.

EFFECTIVE DATE: October 1, 2007 for the menu requirements, July 1, 2007 for the regulation requirement, and October 1, 2008 for the local inspection requirement.

**NUTRITIONAL INFORMATION POSTING*****Application***

The bill applies to chain restaurants, which it defines as those that are part of a group of restaurants doing business under the same trade name in 10 or more locations nationwide, regardless of the ownership of individual locations, and offering predominately the same types of meals, foods, or menus. A restaurant, under the bill, is any place (such as ice cream and grocery chain stores) where food is prepared for individual portion service, including the site where the portions are provided. It includes such places, regardless of whether the food is

consumed on- or off-premises or there is a charge for the food.

The bill excludes (1) owner-occupied bed and breakfast operations serving 16 or fewer people (including the owner) if they serve only breakfast and have no way to cook or warm food in guest rooms and (2) kitchens in private homes.

### **Labeling Requirements**

The bill requires chain restaurants to list the total number of calories in each of their standard menu items next to that item on its printed menu or menu board or sign if it does not use printed menus. The calorie data must be displayed in a size and typeface similar to that used for other information about the menu item. The restaurant can include a disclaimer on the menu or board that the actual number of calories in a specific serving may vary based on special orders or slight variations in serving size or ingredient quantities.

The bill does not apply to daily specials and food or beverage items that are sold for 30 days or less or free condiments and other food items placed on tables or counters.

For items that are listed as a single menu item but come in different flavors and varieties, such as pizza, ice cream, and soft drinks, the restaurant can list the calorie totals as the (1) median for all flavors or varieties, if the totals for all are within 20% of the median or (2) total calorie range for all such items listed from lowest to highest.

Chain restaurants that provide a salad bar, buffet line, cafeteria service, or similar type of self-service do not have to list calorie totals for food or beverages served that way. The bill permits them to list the calorie totals near the service line in a size and typeface that is prominent and legible to customers selecting items from it.

### **ENFORCEMENT**

The bill requires DPH to adopt regulations by January 1, 2008 incorporating calorie listing inspection and enforcement procedures into its food service establishment inspection process. These

regulations must set (1) weighted point values for each listing requirement, (2) a minimum acceptable rating score for them, and (3) enforcement procedures for chain restaurants that fail to attain the minimum.

It requires local health directors, sanitarians, and others authorized to inspect food service establishments to evaluate during their inspections whether a chain restaurant is properly listing calorie totals. It permits these officials to ask a restaurant's franchisor or corporate owner to document the accuracy of the listed calorie totals. The officials are not responsible for verifying the accuracy of the listings.

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute

Yea 18 Nay 10 (03/26/2007)